IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Tr.P(C).No. 121 of 2006()

OPGW.54/2006 of FAMILY COURT, THODUPUZHA

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: PETITIONER/RESPONDENT:

SANIL DUTH, S/O. P.N. GOPINATHAN,
AADILS NEST, PARIPPALLY P.O., PARIPPALLY JUNCTION,
KOLLAM DISTRICT.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: PETITIONER:

BEENA GEORGE, D/O. GEORGE,
PAIKADA HOUSE, THEKKUMBHAGOM P.O.,
KARIKODE VILLAGE, THODUPUZHA, IDUKKI DISTRICT.

BY ADV. SRI.ROJO J.THURUTHIPARA

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

TR.P.(C)121/06

ORDER ON I.A.1761/06 IN TR.P.(C)121/06 DISMISSED

11.01.07 SD/-M.SASIDHARAN NAMBIAR, JUDGE.

/TRUE COPY/

PA TO JUDGE.

M.SASIDHARAN NAMBIAR,J.

Tr.P.(C)NO. 121 OF 2006

DATED THIS THE 11th DAY OF JANUARY, 2007

ORDER

This petition is filed to transfer O.P.(Guardian) 54/06 before Family Court, Thoudpuzha to Family Court, Kollam. Respondent filed the O.P. claiming custody of the child born to respondent in Petitioner. The case of Petitioner was that he met with an accident and is not in a position to travel to Thoudpuzha and the child is also suffering from illness to her eyes due to short sight and therefore the case is to be transferred to Family Court, Kollam. Petition was opposed by respondent, the mother of the child. Respondent opposed the prayer for transfer.

2. Learned Counsel appearing for petitioner contended that respondent has filed another case before Family Court, Thiruvananthapuram and the child is at Paripally 150 Kms away from Thodupuzha and it is difficult for petitioner to travel with the child to Thodupuzha and therefore the case is to be transferred to Kollam. Learned Counsel appearing for respondent argued that respondent is residing at Thoudpuzha and she cannot contest the case, if it is transferred to Kollam. In such circumstances for the convenience of

petitioner, the case cannot be transferred. When the convenience of parties are taken into consideration, the convenience of the mother of the child will out weigh that of the father. In such circumstances, the case cannot be transferred as sought for.

Petition is dismissed.

M.SASIDHARAN NAMBIAR,JUDGE

Acd